Tada et al. discloses that it is known to make an ND filter from laminated filter layers 12-14 having different sizes such that stepped portions are formed in the filter. See, for example Fig. 7. This structure is provided to obtain an apparent F-number larger than the maximum F-number, which is determined by the minimum size of the mechanical diaphragm aperture, by reducing the quantity of light passing through the filter. See, for example, col. 1, lines 10-15 of Tada et al. In Tada et al., the thickness of each circular filter layer 12-14 is very small, i.e., a few tenths of a micrometer (see col. 1, lines 22-23). Consequently, the stepped portions are "microscopic stepped portions" (see, for example, col. 1, line 57 of Tada et al.).

Accordingly, the "microscopic stepped portions" of Tada et al. cannot be used to hold the optical filter. Thus, the "microscopic stepped portions" of Tada et al. do not teach or suggest a stage "having a size that is sufficiently large so that the stage is capable of being utilized to hold the optical filter" as recited in independent claim 2. Similarly, the "microscopic stepped portions" of Tada et al. do not have "a size that is sufficiently large so that the stepped portion is capable of being utilized to hold the optical filter" as recited in independent claim 13. Moreover, Tada et al. does not suggest that the "microscopic stepped portions" should or even could be engaged by a holding member as recited in independent claim 13.

Accordingly, the Office Action's assertion that "it would then have been obvious to one skilled in the art to apply the teachings of Tada et al. to modify the filter design of Tsuyuki et al....and for the benefit of providing a filter design having the implicit advantage of allowing easy retainment of the filter design within a housing or frame" is in error, and is made with hindsight. The "microscopic stepped portions" of Tada et al. do not suggest the claimed stage or "stepped portion" having a size that is sufficiently large to be capable of

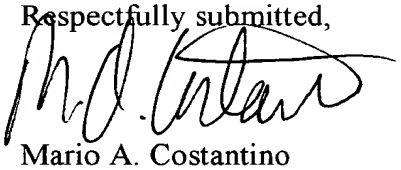
being utilized to hold the optical filter. The "microscopic stepped portion" of Tada et al. is much too small to allow "easy retainment of the filter" as alleged in the Office Action.

Accordingly, Applicant respectfully submits that the rejection of the pending claims of this application should be withdrawn.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
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MAC/ccs

Attachment:
Appendix

Date: November 12, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

APPENDIX

Changes to Claims:

Claim 3 is canceled.

The following is a marked-up version of the amended claims:

2. (Three Times Amended) An optical filter that is provided at an optical path between a photoelectric converter, which converts a subject image formed at a light-receiving surface thereof to an electrical signal, and an optical system which forms the subject image with a light flux from the subject at said photoelectric converter, to filter the light flux, comprising:

a plurality of filter layers that are laminated along a direction of an optical axis of the light flux that passes through the optical filter, the plurality of filter layers including at least a first filter layer and a second filter layer which are laminated with each other; ~~and~~

a stage formed at least at a portion of an external circumference of the optical filter by varying a size of a surface of said first filter layer along a direction perpendicular to the optical axis from a size of a surface of said second filter layer along the direction perpendicular to the optical axis, wherein the portion of the external circumference of the optical filter which forms the stage includes a portion of one of the surfaces of the first and second filter layers that extends in the direction perpendicular to the optical axis; and

the stage having a size that is sufficiently large so that the stage is capable of being utilized to hold the optical filter.

13. (Amended) An optical device comprising:

a photoelectric converter that converts a subject image formed at a light-receiving surface thereof to an electric signal;

an optical system that forms the subject image with a light flux from a subject at the light-receiving surface of said photoelectric converter;

an optical filter that is provided on an optical path between said photoelectric converter and said optical system to filter the light flux, the optical filter includes a plurality of filter layers that are laminated along a direction of an optical axis of the light flux that passes through the optical filter, the plurality of filter layers including at least a first filter layer and a second filter layer which are laminated with each other, a size of said first filter layer being smaller than a size of said second filter layer along at least one direction perpendicular to the optical axis so that a stepped portion is formed at least at a portion of an external circumference of the optical filter, the stepped portion having a size that is sufficiently large so that the stepped portion is capable of being utilized to hold the optical filter; and

a holding member that engages a portion of an external circumference of the second filter layer that extends in the direction perpendicular to the optical axis and is located in the stepped portion, so that the holding member holds the optical filter.